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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO.		
10/040,575	11/01/2001	Antonio Carlos Ribeiro Carvalho	J&J-2045 2649		
27777	7590 06/15/2006		EXAMINER		
PHILIP S. JOHNSON			ANDERSON, CATHARINE L		
JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA			ART UNIT	PAPER NUMBER	
NEW BRUNSWICK, NJ 08933-7003			3761	3761	
			DATE MAILED: 06/15/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/040,575	CARVALHO ET AL.	
Examiner	Art Unit	
C. Lynne Anderson	3761	

	C. Lynne Anderson	3761				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress			
THE REPLY FILED <u>24 May 2006</u> FAILS TO PLACE THIS APPI	LICATION IN CONDITION FOR AL	LOWANCE.				
1.  The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in c	idavit, or other evider compliance with 37 C	rce, which FR 41.31; or (3)			
a) $\square$ The period for reply expires $3$ months from the mailing date						
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. I no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.						
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).					
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply origi than three months after the mailing da	of the fee. The appropri	ate extension fee ce action; or (2) as			
2. The Notice of Appeal was filed on A brief in comp	liance with 37 CFR 41.37 must be	filed within two month	ns of the date of			
filing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed AMENDMENTS	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th				
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered b	ecause			
(a) They raise new issues that would require further co			004400			
(b) They raise the issue of new matter (see NOTE below);						
(c) They are not deemed to place the application in befappeal; and/or	ter form for appeal by materially re	ducing or simplifying	the issues for			
(d) ☐ They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).		ected claims.				
4. The amendments are not in compliance with 37 CFR 1.1.		mpliant Amendment	(PTOL-324).			
5. Applicant's reply has overcome the following rejection(s)		•	,			
<ol> <li>Newly proposed or amended claim(s) would be all non-allowable claim(s).</li> </ol>		timely filed amendme	ent canceling the			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected:		ll be entered and an e	explanation of			
Claim(s) rejected Claim(s) withdrawn from consideration:						
AFFIDAVIT OR OTHER EVIDENCE						
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>						
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessar	overcome all rejections under appe	al and/or appellant fa	ils to provide a			
10. ☐ The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attact	ned.			
11.   The request for reconsideration has been considered bu See Continuation Sheet.	t does NOT place the application in	n condition for allowa	nce because:			
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08 or PTO-1449) Paper N	No(s). <u>6/1/04,3/24/06</u>				
13. Other:						
TATYANA ZALUKAEVA						
SU	PERVISORY PRIMARY EXAMIN					

U.S. Patent and Trademark Office PTOL-303 (Rev. 7-05) Continuation of 11. does NOT place the application in condition for allowance because: The applicant's arguments have been considered but are not persuasive.

In response to the applicant's argument that Molas merely describes a pantiliner having different areas separated by embossing, it is noted that the article of Molas comprises separate and physicically different areas, as described in paragraph [0036]. The central portion, which is larger and thicker, comprises the absorbent core of the article. The side portions, which are smaller and thinner, and are designed to be folded under a garment during use, comprise the side margins.

In response to the applicant's argument that Molas fails to disclose the presense of a cover, core, and barrier, it is noted that Molas describes in paragraph [0007] an article comprising a cover, a barrier, and a core located therebetween.

In response to the applicant's argument that Molas fails to disclose the cover and barrier extending beyond the core, it is noted that the article show in figures 1 and 2 shows a core 3 with side areas 4 and 5 extending beyond the core 3. Since the cover and barrier are comprised in the side areas 4 and 5, they therefore extend beyond the core 3.